

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 04-cr-43-01-PB

Scott Alati

**O R D E R**

On January 4, 2008, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on three alleged violations of conditions of supervision. On November 20, 2007, defendant tested dirty for drug use and admitted it. He missed urine sample required tests on November 26, December 15 and December 18, 2007. He failed to attend required programs on December 10 and December 17, 2007. He tested positive for cocaine prior to the hearing. I therefore find probable cause to hold him for a revocation hearing.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. Despite many chances and much counseling, defendant continues to relapse in drug use. He is a danger to himself and the community. There are no conditions which are likely to assure the safety of the community.

Accordingly, it is ORDERED that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: January 7, 2008

cc: Jessica C. Brown, Esq.  
William E. Morse, Esq.  
U.S. Marshal  
U.S. Probation